



DALLAS COUNTY
DISTRICT ATTORNEY
JOHN VANCE
Federal Section
(214) 653-3690

11D#13423
mjs

RQ-155

August 28, 1991

CERTIFIED MAIL NO. P 571 343 373
RETURN RECEIPT REQUESTED

Ms. Madeleine B. Johnson
Chairman, Opinions Committee
Office of the Attorney General
of the State of Texas
P. O. Box 12548
Capitol Station
Austin, Texas 78711

RECEIVED
AUG 30 91
Opinion Committee

Re: Request for Opinion
of the Attorney General;
Texas Government Code
§ 402.043

Dear Ms. Johnson:

Pursuant to Texas Government Code § 402.043 I request that the Attorney General of Texas render an opinion with respect to the following question relating to an action in which the State has an interest:

Whether it is illegal, unauthorized or outside the inherent power of the court for a Texas Justice of the Peace to send a letter admonishing a potential defendant in a peace bond proceeding of his legal liabilities under Texas Code Crim. Proc. art. 7.01 et seq?

Enclosed for your review are two sample drafts of letters which might be sent by a Texas Justice of the Peace in connection with this matter.

I have investigated this question and have been unable to find any Texas law governing it.

Ms. Madeleine B. Johnson
August 28, 1991
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Thank you for you cooperation.

Very truly yours,

JOHN VANCE
DISTRICT ATTORNEY



PETER L. HARLAN
Assistant District Attorney
(214) 653-3691

PLH/vc
enclosures

cc: The Honorable Bill Bronson
Justice of the Peace
Precinct 2, Place 1
10056 Marsh Lane
Dallas, Texas 75229



DALLAS COUNTY

JUSTICE OF PEACE
PRECINCT PLACE

August 9, 1991

Mr. John Q. Public
1001 Easy Street
Dallas, Texas 75229

Re: Peace Bond

Dear Mr. Public:

Ms. Susie Complainant contacted this office requesting that you be placed under a Peace Bond alleging that you have threatened or committed an offense against her person or property. I have not heard your side and have not made a determination.

The law provides that when a citizen files a formal complaint and requests Peace Bond protection, that a warrant for your arrest can be issued and trial held. If after the trial you were found guilty of such action, you would be placed under a Peace Bond and placed in the Dallas County Jail and remain there until bond is posted and approved by the Sheriff's Office.

The Code of Criminal Procedure specifically requires a Defendant to stay in jail one year if the Peace Bond is not posted.

You have not been placed under a Peace Bond. The affiant expressed a desire not to cause you trouble, but does want to be left alone. However, if I hear further complaints of threats, violence or harassment of any type, I have authority to accept a formal complaint and to provide the legal remedies required by the law. Although I have no legal authority to limit your conduct and behavior at this time, due to the problems between you I would suggest that it would be wise for you to minimize or avoid contact with the affiant.

If you have any questions, you may contact me, but, I assure you that I view this as a very serious matter.

Respectfully,

Justice of the Peace

BB\em

cc: Ms. Susie Complainant



DALLAS COUNTY

JUSTICE OF PEACE
PRECINCT PLACE

August 9, 1991

Mr. John Q. Public
1001 Easy Street
Dallas, Texas 75229

Re: Peace Bond

Dear Mr. Public:

Ms. Susie Complainant contacted this office requesting that you be placed under a Peace Bond alleging that you have threatened or committed an offense against her person or property.

It was explained by this Court that a formal complaint could be registered, a warrant for your arrest issued and trial held. If after the trial you were found guilty of such action, you would be placed under a Peace Bond and placed in the Dallas County Jail and remain there until bond is posted and approved by the Sheriff's Office.

The Code of Criminal Procedure specifically requires a Defendant to stay in jail one year if the Peace Bond is not posted.

You have not been placed under a Peace Bond. The affiant expressed a desire not to cause you trouble, but does want to be left alone. But I assure you that if I hear further complaints of threats, violence or harassment of any type, I will accept a formal complaint and issue a warrant for your immediate arrest. You are instructed by this Court to refrain from any communication or contact of any manner with the affiant.

If you have any questions, you may contact me, but, I assure you that I view this as a very serious matter.

Respectfully,

Justice of the Peace

BB\em

cc: Ms. Susie Complainant